(XXVIIIth YEAR.) THE (N°. 1436.)

MARYLAND GAZETTE.

THURSDAY, MARCH 18, 1773.

To the Reverend Mr. JONATHAN BOUCHER.

Is not the care of souls a load sufficient?
Are not your holy stipends paid for this?
Were you not bred apart from *worldly noise*,
To study souls, their cures, and their diseases?
The province of the soul is large enough
To fill up ev'ry cranny of *your time*,
And leave you much to answer, if one wretch
Be damn'd by *your neglect*.———

REVEREND SIR,

THE ardency, you betray for judicial powers, is an unlucky presage of your temper and disposition in the exercise of them; though common prudence might have suggested the impropriety of taking the chair, before your appointment to the Bishoprick had been formally announced by a *legal* proclamation, yet "you step *into the seat of judg-* "*ment*" with as much grace as you ascend the pulpit; perhaps equally *called* to either. The fury of your wanton attack left us no expectation of satisfying you of the propriety of our conduct, and was you cloathed with any other authority than that of a *self-elected judge*, your frowns would deter us from any further defence; you exhibit to our imagination a striking picture of a *spiritual judge*; but justice to ourselves obliges us to break in upon your *dream* of power, and to pluck you down from your *self exaltation*; our appeal was made to the *publick*, not to *you*.

The text, you recommend for the subject of our meditations, would have been, at least, as well understood, had you given us the whole of it; as you designed our edification, the motive was laudable; but it seems inconsistent with charity to be so sparing of your pains in your professed element. You have spent much labour to prove we are bad, and but little to instruct us how to be good. We have, with the small assistance you have afforded us, considered the whole, which stands thus: "Fear the Lord, and honour the priest, and "give him his portion, as it is commanded thee; the "first fruits, and the trespass offering, and the gift of "the shoulders, and the sacrifice of sanctification, and "the first fruits of the holy things"———and do not think it regards the 40 per poll. It would be more candid, if you ground yourself on a divine right to dues of any kind, to speak out, than to insinuate an opinion, which, we cannot think, you believe yourself. We acknowledge a moral obligation to obey the laws of society, and of consequence to pay what is legally ordained to be paid, but we hold, as we have before told you, that there is no law for the 40 per poll, and therefore that there is no moral obligation to pay it. Morality as plainly forbids the claiming that which is not, as the withholding that which is legally due; and we would in our turn recommend for the subject of your meditation the 1st book of Samuel, c. 2. Sacrifices were commanded as an atonement for sins, out of which a proportion was drawn and appropriated for the support of the priests: but not contented with this *legal* provision, their avarice and propensity to oppression invented an implement, called a flesh-hook, with three teeth; and with this tremendous weapon, they attacked the pots and caldrons, pans and kettles of the people, and instead of a mere dip thrusted this pronged instrument with such dexterity, as sometimes to fetch up the *sum total*, and then bore it off triumphantly to their own tables to *pamper* and *belly* upon. The above chapter, which we presume to recommend to you, shews that these illegal exactions of the priests drove the people from the publick exercise of the religion enjoined them, and that for this sin of extortion the priesthood was transferred to another family. We leave Mr. *Boucher* to make the application.

I have, say you, "no idea of church, parish and "vestrymen without a regular established ministry; "nor an established ministry without a support or re-"venue."——It may be so; your thoughts and ideas may have been *much engrossed* about a *revenue*; but we do not see, that it follows by any means, that, because you have no idea of an established ministry without support or revenue, therefore such idea would be incongruous. What support or revenue did the Apostles claim for their eminent services? Did they rely on the benevolence of well disposed people, or were they filled with the first fruits, and the trespass offering, and the gift of the shoulders, and the sacrifice of the sanctification, and the first fruits of holy things? Or did they harrass the people with law-suits and imprisonment for a 40 per poll? And yet the ministry of the Apostles was as regularly established, at the least, as that of any of their successors.

You display your abilities in the field of criticism, and charge us with "being utterly unacquainted with "the first principles of grammar." We have never been engaged in any profession, where the *minutiæ* of grammar constituted a principal part of the science, and therefore a privation of it in us is no more extraordinary, than that you should think yourself alone sufficient in this eminent qualification. However, Sir, as we cannot entirely give up our understanding, we shall trouble you with an insertion of two of your own questions.

"Query 6th. Why are you so clamorous against the "*proclamation?*—Is not *this* the *avowed* principle of "your opposition, *that it is a tax on the people* WITH-"OUT LAW?

"Query 7th. Have YOU any powers or prerogatives "which *even the supreme magistrate* must not be allowed "to exercise; and whence are they derived?—Can "you, *hereafter*, presume to place yourselves in an "higher rank of patriotism than *those* members who "voted *for the proclamation*; you who have thus been "the arbitrary instruments of an *unconstitutional tax* on "the people—than *those*, whose only object was, to "rescue them from the extortion of officers?—Men "who needed such a restraint; if, as you have repeat-"edly declared, they are nothing better than harpies "and publick plunderers."

Your 6th query related to the proclamation for officers fees—that proclamation was issued by the supreme magistrate with the advice of the council, and as it seems, you thought was voted for by a particular member of the lower house. What construction then does the context require? a motive for the proclamation is referred to somebody. Is it to those, who were the *authors of the proclamation* or those *who had no hand in it?* If to those, who were the authors of it, we are ignorant of any rule to exclude the supreme magistrate from at least his share of the amiable motive, you assigned for the act, in which he was the principal. We read your seventh question in this manner, "Have "you any powers &c.? Can you presume hereafter to "place yourselves in an higher rank of patriotism than "those members," *of the lower house*, "who voted for "the proclamation; you who have thus been the ar-"bitrary instruments of an unconstitutional tax on the "people, than the supreme magistrate" and the council, "*whose* only object was to rescue *the people* from "the extortion of officers—officers who needed such a "restraint, &c." which we take to be fully justified by both context and grammar. You dressed up a nosegay for somebody, and by your reply, you would be thought to have done it for the members of the lower house, who voted for the proclamation. You appear to us truly pitiable in this part of your piece: no member of the lower house actually voted for the proclamation; the bull was pointed out, but *in the simplicity of your heart*, you believed the tale, that you had heard that a *particular* member voted for the proclamation, and on that information *in the simplicity of your heart*, to be sure, you inserted in your questions *those members*, who voted for the proclamation—Grammar was as little offended at referring the nosegay to the supreme magistrate, who was included with others, under the word *those*, as Truth was by your giving a much larger idea under the words *those members* than would have been warranted by the information you had received, if true. But as from your reply, it seems as if your nosegay was rejected and that probably you have been admonished "whether the procla-"mation be or be not a legal act it becomes not you "to say"——we shall quit this subject, which is perhaps irksome to you.

Your critical genius is highly offended with our coupling together, as different things, the *Christian religion* and the *Gospel of Christ*: you reply pleonastic and pretty: perhaps it may be something like a pleonasm, and yet by your leave no uncommon figure in the pulpit. By the *Christian religion* we mean the *religion of Christ*: by the *Gospel* of Christ we mean the *Holy Book of the Christian revelation*. That the Gospel is taken as expressive of the book of revelation, your general acquaintance with Dictionaries, particularly *Bailey's* and *Johnson's*, supersedes the necessity of a formal proof. Taken in such sense, we conceive, the *Gospel* imports an idea, that the expression *Christian religion* does not. We do not deny, that a Christian can go to Heaven without a view of the *record* of his religion: but we, nevertheless, pray that the *record book* of Christianity may flourish, that the acquiescence of the mind may be grounded upon *authority* and not the *dictum* of a priest.

You charge us with the fault of egotism. We used the expressions WE and the *people* not as appropriating any superiority to ourselves, but to deepen the impression, that had every man in the province other than ourselves assented to the proclamation, yet if that assent was not given in a constitutional way so as to involve ours, the proclamation was illegal and not obligatory on *us*. The thread of the argument and manner of the expression sufficiently refute your charge; but if the construction, you are fond of, is the just one, you might, without going back to the egotism of Wolsey, have at least matched it with a modern performance, which ought to be strongly impressed on your memory, "WE THE CLERGY of the established church in this "your government of Maryland." We are not conscious of any emphatical appropriation of the words *the Lawyers* to ourselves; it would be vanity indeed to rank ourselves in our own ideas as superior to many of the gentlemen of the bar; but when you justify yourself in conveying a charge *against us only* in the words "Law-"yers may chicane and temporize," which by your explanation you intended, it will warrant any appropriation, we have ever made of "*the Lawyers*," to ourselves.

You are pleased to say, "the temper and modera-"tion of the Clergy have been as remarkable as the "arts we have made use of to inflame and mislead the "people have been unmanly and unfair." Your own observation, that general assertions need be refuted only by general negations, makes your proof of any unmanly and unfair acts by us to inflame and mislead the people unnecessary; for we deny your assertion. Your reminding us of a pitiful performance in verse, much on a level with your own poetic genius, gives us no pain: the author only of that performance has occasion to lament its being remembered. As to the opinion, which chagrined you, it was openly submitted to the publick: if that has been refuted and exposed at all, the prudent method was taken to do it in private: how can you call this conduct *art*, or the publication of an opinion *unmanly or unfair?* But, Mr. *Boucher*, what were the means used by the Clergy, or if there is more propriety in the expression, a considerable number of them, to secure the payment of the 40 per poll? Did they not form their committees; after an opinion had been procured in their favour, were not many copies of that opinion made and industriously circulated throughout the province to silence doubt? Were not executions on the person and effects insisted on by many of the Clergy, and several made in different counties? Were not suits brought against several sheriffs and was not the former composition of 4*s.* rejected by several, who had acquiesced in it before? Have not instructions been given by several clergymen to receive tobacco only, and written orders from no inconsiderable number to levy by way of execution on the person and effects? If these things are true, what temper and moderation have the Clergy had in vindicating their rights? No further means occur to us which could be taken to blow up *a storm of oppression*. Some of the Clergy, to their praise be it spoken, did not look on the 40 per poll as the *first object* of their ministry; they from the first cheerfully accepted the 4*s.* under an impression, as we presume, that the legislature might regulate their temporalities, and a confidence that a handsome competency would be legally and indubitably secured to them; their sentiments have inspired equal benevolence, and we see with pleasure, that though the *hands* of the people are shut close against *force*, their *hearts* are open to the *worthy* clergymen. That we, as well as others, have dissuaded people from paying the 40 per poll is true; they are welcome to any assistance, we can give them against it, and if you call this *inflaming* the people, we have done it, and shall continue to do it. Positive, as you are, that the Clergy have the sweet concordance of the voice of the men heretofore deemed the most sensible and moderate in the country, we suspect, that your ears are so open to any musick of this kind, that you have mistaken the loud strains of your *own pipe* for the pleasing harmony of a general concert.

Several expressions dispersed in your attack, as well as your assertion, that the publick voice arraigned us of duplicity, of acting in direct opposition to the principles we avowed, of loose and fluctuating counsels—the usual effects of artifice and insincerity, conveyed the idea, that our conduct was much the subject of publick conversation and general censure; we knew the *fact* was otherwise; and when the grounds, you went on, came to be discovered in your reply, it appears, you indulged your propensity in swelling the readers idea of a fact much beyond that, with which yourself was impressed: the hyperbole seems to be a favourite figure of yours; but have you not used it do you think a little too often?

You industriously mistake the charge, we made against you—we no more, than yourself, have any idea of its being criminal or disreputable to be a priest; on the contrary hold it truly honourable; but to be a *proud* priest; an *unforgiving* priest, an *implacable* priest, or a *calumniating* priest, we do esteem a deprivation of the virtues opposite to those vices. There may be no set *forms* made and provided, in which an accusing angel is to exhibit charges; but you ought to raise your ideas, at least, so far as to imagine, that temper and moderation would be preserved, and that truth and charity could not be forgot; you may call them *forms* or *essentials*, in which ever letter you wear them yourself.

It were in vain to attempt a collection of all those flowers, with which you have bedecked your piece; the abundance of *alike beauties* distracts the choice. *April the 1st 1771 (ominous at the threshold!)* must for ever characterize you; the novelty of it, in an elegant performance by a clergyman of a liberal education, is not less striking, than that the sentiment is peculiar to a gentleman.

You have dexterously enough endeavoured to propagate the idea, that our juſtification reſts upon the ſingle point of cuſtom: the queſtion too, you propoſed to the *attorney-general*, relates merely to the operative force of cuſtom to eſtabliſh the delegation of the parochical authority into our hands as Veſtrymen. To the query, by what authority we act as Veſtrymen, you are pleaſed to ſay you underſtand our reply is "that "we do not derive it from any written law of the "province, but from antient uſage and cuſtom of the "pariſh beyond the memory of man." This, Sir, was not our reply. Permit us to recal to the publick attention the real and avowed grounds of our defence, which will be beſt done by an inſertion of our own words. As to the queſtion, then, by what authority we act as Veſtrymen? We give you Sir this preciſe anſwer. BY THE AUTHORITY OF THE PARISHIONERS FOUNDED UPON COMMON L[illegible]V AND COMMON RIGHT, who choſe, nominated, and e[illegible]us Veſtrymen of St. Anne's pariſh, according to the antient uſage and cuſtom of the pariſh beyond the memory of man. Independently of any cuſtom, we contend, that a power was lodged in the pariſhioners to delegate their authority with reſpect to parochial matters into the hands of a veſtry conſtituted in ſuch manner as the veſtry of St. Anne's pariſh: and we quote cuſtom and uſage as an *additional argument* to prove the fair and legal exerciſe of ſuch power by the pariſhioners in the nomination and election of us as Veſtrymen.

If, Sir, a power was lodged in the pariſhioners themſelves to elect a *temporary* ſelect veſtry, ſuch as the veſtry of St. Anne's pariſh: and alſo to elect Churchwardens: If that power has been exerciſed in the very manner as the Act of 1701-2 meant to enforce, we aſk upon what principle will it be contended, that the Act of 1729, which impowers Veſtrymen and Churchwardens to impoſe a tax, is not evidently gratified both in ſpirit and intention? No imaginary reference of the Act of 1729 to the Act 1701-2, even upon the moſt rigid rules of conſtruction, can be extended further than as a deſcription of the perſons, who ſhould have the power of taxation: and if a power exiſted at common law in the pariſhioners themſelves to verify ſuch deſcription independently of the Act of 1701-2, and we and our brethren the Veſtrymen and Churchwardens have been elected in ſuch manner, as to bring ourſelves within every part of ſuch deſcription, what ground is there to charge our conduct as arbitrary and illegal?

We ſhall proceed Sir to make good our poſitions: that by the common law the pariſhioners have the government of the pariſh and are for that purpoſe a body politic: and that by the common law, they may delegate ſuch authority into the hands of Veſtrymen and Churchwardens conſtituted in ſuch manner as the Veſtrymen and Churchwardens of St. Anne's pariſh.

In maintaining theſe points you have an advantage over us: people, in general, have not a competent idea of the common law: their knowledge of law is in great meaſure confined to the *lex ſcripta* or Acts of Aſſembly, ſo frequently in uſe and in almoſt every body's hands: and yet Sir the common law is the baſis of all that is dear to them. My Lord *Coke* ſays the common law is reaſon itſelf promulged by the deciſions of grave and learned men for a ſucceſſion of ages. The celebrated *Blackſtone* ſpeaking of the ſcience of the common law ſays "a ſcience which diſ"tinguiſhes the criterions of right and wrong: which "employs the nobleſt faculties of the ſoul and exerts "in its practice the cardinal virtues of the heart: a "ſcience which is univerſal in its uſe and extent, "accommodated to each individual yet comprehend"ing the whole community." My Lord Chief Juſtice *Hale*, who was the light and ornament of his age, ſays: "This is the law, which limits and aſcertains "the bounds of prerogative and declares and aſſerts "the rights, liberties, and properties of the ſubject: "this is the law, which regulates the adminiſtration "of juſtice and gives the rule in all deciſions and de"terminations upon criminal and civil caſes in the "courts of juſtice, where the *lex ſcripta* is ſilent: and "that this is the law, from whence we derive the *trial* "*by jury*, the beſt trial in the world." This great judge further remarks, "when at any time through the "errors, diſtempers or iniquities of men or times, the "peace of the kingdom and right order of government "have received interruption, the *common law* has waited "and wrought out thoſe diſtempers and reduced the "kingdom to its juſt ſtate and temperament."

What, then, is the common law? The law of right founded upon reaſon and ripened into perfection by the wiſdom of ages: a ſyſtem of juriſprudence adored by Engliſhmen, as the *palladium* of their rights liberties and properties; and however lightly you may affect to treat the ſolid foundation of our claim to the office and powers of Veſtrymen, the people of this province have before this time ſtrenuouſly contended for the extenſion of the *Engliſh common law* as their birthright, and which was at length yielded to them much againſt the will and in deſtruction of the deſigns of the then government.

Having thus imperfectly ſuggeſted an idea of the common law, we proceed to the firſt propoſition incumbent upon us to eſtabliſh: that by common law and common right, when a pariſh and church are eſtabliſhed, the government devolves upon the pariſhioners and they are for that purpoſe a veſtry and body politic. To prove this poſition we cite the following caſes: 4. Burne. ecc. law. 6. ſect. 1. 10 Viner's ab. ch. ward. 506. pl. 3. 5. Coke. 65. 67. b.—1 mod. 194. 236. 2 mod. 222. 5. mod. 325 Hob. 211. Salk. 165. 166.

But to make good our defence it is equally incumbent upon us to eſtabliſh our next propoſition: That by common law and common right, this authority of the whole may be delegated into the hands of Veſtrymen and Churchwardens conſtituted in ſuch manner as the Veſtrymen and Churchwardens of St. Anne's pariſh.

It is a ſelf-evident propoſition, that what a man may do *by himſelf* he may do *by another*: that is, if a man has an independent authority originating in himſelf, he may delegate it to another. This principle of natural right equally holds with reſpect to a ſociety: and therefore the powers, which every aſſemblage of people poſſeſs as common and natural rights, they may transfer into the hands of a ſelect body of men. But as unanimity of ſentiment upon publick matters cannot be expected, where numbers are intereſted, to prevent the purpoſes of ſociety from being fruſtrated by a partial diſſent the reſolutions of the *majority* bind and conclude the *minority*—when a ſociety is formed, every member tacitly agrees, that the purpoſes of it ſhall be fulfilled and carried into execution: but how could this be effected, where a difference of opinion is entertained upon a ſubject, unleſs the *minority* is concluded by the *majority*? Wherefore, when a man becomes a member of ſociety, as he accedes to the deſigns of the inſtitution, he aſſents to the means to effect ſuch deſigns, and of conſequence ſubmits to be bound by the reſolutions of the *majority*.

Upon the eſtabliſhment of St. Anne's pariſh and the church, we have ſhewn from a number of authorities by the common law the government devolved upon the pariſhioners themſelves, and they had the exerciſe of all parochial authority: upon the principles above ſuggeſted this authority might be, as in fact it was, delegated by the *majority* of the pariſhioners into the hands of particular men under the character of Veſtrymen and Churchwardens. A queſtion may be aſked by what *majority*? an actual *majority* of the whole body or ſuch as attend upon the buſineſs? This queſtion is well ſettled by caſuiſts, among whom we rank Mr. *Rutherforth*: he ſays after notice "ſuch members as "are preſent conclude the whole: becauſe thoſe, that "are abſent, are by their not attending in perſon or by "proxy underſtood to devolve their power of acting "upon thoſe, who do attend"—and this principle of *natural law* is adopted by the *common law* and prevails in the election of members to parliament.

Here, Sir, permit us to diſtinguiſh between a delegation of *temporary* and *perpetual* authority. We find in our books, that *ſelect veſtries* are founded upon cuſtom only: that theſe ſelect veſtries aſſume to themſelves a delegation of parochial authority *for ever*, govern the pariſh without any power in the pariſhioners to check or control them, and arrogate to themſelves an *independent* and *perpetual* exiſtence. As *ſuch veſtries* have the power of taxation and yet are not periodically elected by the voice of the pariſh, the common law looks upon them with a jealous eye and judges will not uphold ſuch encroachments upon the principles of the conſtitution, unleſs a *cuſtom* be proved *time immemorial*, from whence they may infer the general aſſent of the pariſh *originally* to ſuch a delegation of the parochial authority: *cuſtom immemorial* will give ſuch general aſſent the force of a law.

The principles we rely upon, that what a man may do himſelf he may do by another, we admit cannot juſtify the delegation of authority into the hands of perpetual veſtries, unleſs a *cuſtom* comes in to aid it: becauſe, ſuch a delegation is unconſtitutional: but this principle may be applied in ſupport of a *temporary* delegation and of conſequence in ſupport of *temporary* Veſtrymen and Churchwardens, without *cuſtom*: becauſe ſuch delegation of authority is not unconſtitutional: originally it was the common practice to elect Veſtrymen and Churchwardens for a limited time: ſuch an adminiſtration of the parochial authority, we find no where, contradicted or objected to: it is maintainable upon the authority of reaſon and therefore upon common law: it is exemplified in the conſtitution of our general aſſembly. Upon the ſame principle Churchwardens who are *temporary* officers are eligible by the pariſhioners. Carth. 128. Hard. 378.

We have now, Sir, we hope ſufficiently evinced, that by the common law the pariſhioners of St. Anne's pariſh had a power of electing us and our brethren Veſtrymen and Churchwardens without any *legiſlative proviſion* or *cuſtom* for that purpoſe: and that we and our brethren are legally and conſtitutionally Veſtrymen and Churchwardens of St. Anne's pariſh. Therefore we retain our opinion, that we and our brethren, in whom the deſcription of the Act of 1729 is verified, were well juſtified in our impoſition of the tax upon St. Anne's pariſh.

We ſhall now conſider the objections which you and the *attorney general* have raiſed to our defence.

You are pleaſed to expreſs your belief, that plain men untainted by politics never till now heard or dreamed of Veſtrymen by common law. Admit for the ſake of argument, that moſt of the people of this province and even *your intelligent ſelf* among them never heard or dreamed of veſtries at common law, does it follow as a conſequence that there can be no veſtries in this province at common law? As truly would it follow, that the ſon, who was ignorant he ſucceeded to his father's lands by the common law, would loſe his inheritance—that the man who was ignorant he was to be tried by a jury by the common law would be ſtripped of that privilege—and that thoſe, who are ignorant murder is puniſhable by the common law, might be murdered: merely becauſe they are ignorant by what law, they are ſecured in their inheritance privilege or life.

You are pleaſed to ſay that "ſhould your opinion "on the ſubject of the common law be right I am "not the only one that ſees that it will do more to"wards the introduction of epiſcopacy—do more for "the clergy than all the united efforts of all the Ame"rican prieſthood have yet been able to accompliſh." Ah! Mr. Boucher, have all the American prieſthood united in any efforts to accompliſh any thing for the clergy? You dreſs up a formidable ſcarecrow! It is the common law that ſhields us againſt the introduction of epiſcopacy, protects us againſt the fury of prieſts and keeps at a diſtance—beyond the ſeas—all their infernal juriſdictions: it is the common law that guards us againſt oppreſſive proclamations and the injurious excurſions of prerogative: it is the common law that prevents extortion by officers and clergy and enforces obedience to that legiſlature which "*we the clergy* "*of the eſtabliſhed church*" have ſhamefully inſulted.

We ſhall now conſider the objections which the *attorney general* has made. His argument againſt the delegation of the parochial authority without *a cuſtom* demands our attention. He ſays in all corporations, even in ſuch as exiſt by force of the common law, a charter of incorporation is preſumed: *by cuſtom* he admits there may be a delegation of the parochial authority: the antient uſage being preſumptive evidence that this power to delegate was granted by the charter. If Mr. Attorney is right in his law the conſequence is obvious, that the delegation of the parochial authority into our and our brethren's hands as Veſtrymen and Churchwardens cannot be maintained without ſhewing a charter of incorporation or proving a *cuſtom* to juſtify a preſumption of it.

It is with deference we venture to argue a point of law with an *attorney general*: it is with reluctance we engage in a controverſy with Mr. *Jennings*: we ſtill entertain a reſpect for that gentleman notwithſtanding his unkind attempt to add his weight to the atrocious complicated charge which has been brought againſt us. Had Mr. Attorney been attached to Mr. Boucher by any particular connexion, or had he been conſulted upon a difference in point of property, the aſſiſtance of Mr. Attorney would have been a laudable exerciſe of his profeſſion: but when he was apprized of the nature of the controverſy: when he ſaw the vengeance of a prieſt burſting upon us: our integrity wantonly arraigned and our characters publickly ſtabbed; and when in his own opinion of our conduct, the judgment and not the heart was in fault, under ſuch circumſtances to lend a helping hand againſt us was unfriendly.

But to conſider Mr. Attorney's argument. We conceive he has too haſtily adopted the expreſſions in the books without attentively conſidering all the modes of incorporation. We aſſert in contradiction to his conception of the law, that the political capacity of a pariſh is not created by *preſcription charter* or *act of parliament*: it is a *being* propagated by *operation of law* and introduced upon the principles of publick utility.

Our books indeed ſay a corporation can be erected three ways only: by preſcription charter or act of parliament: but this is to be underſtood of corporations created *in fact* and not of ſuch, whoſe political exiſtence is founded upon *operation of law*.

That the political capacity of a pariſh is not derived from preſcription charter or act of parliament, the following caſes are expreſſly in point: Hob. 211. 5. Cok. 63. 67.—8 mod. 351.

Upon the ſame grounds Churchwardens are a corporation: they are eligible by the pariſhioners by the common law and common right: which excludes the idea of their political conſtitution by preſcription charter or act of parliament. To this purpoſe Carth. 128 March. 67. 2 Salk. 547. Viner's ab. ch. ward. 523. 2 pr. Wms. 126. Vid. Brook. Corporation: pl. 84. Which is expreſs that Churchwardens are incorporated by operation of law.

The poſition therefore of the attorney general is laid down too largely and cannot extend to corporations *by operation of law*. When indeed a body politic is created by charter, ſuch *inſtrumentality* of creation limits and aſcertains the extent of their authority, and every exerciſe of power which is proved *time immemorial* is preſumed to flow from ſome enabling clauſe in ſuch charter; and therefore if in fact pariſhes were incorporated by *charter* and a *cuſtom* exiſted beyond memory for *ſelect veſtries* to exerciſe the parochial authority, the preſumption would be that ſuch charter authorized the delegation of it to them.

But how ſtands the caſe with reſpect to the political exiſtence of a pariſh by *operation of law*? Permit us to conſider this queſtion upon the principles of reaſon and of conſequence common law. A deputy cannot exceed the authority given him, nor a body politic created by charter its granted powers: a deputy, therefore, cannot delegate his authority without leave of his principal, nor a body politic by charter their authority without ſome enabling clauſe. But what ſhall check or control the political capacity of a pariſh, which is created by *operation of law*? Or what ſuperior power ſhall prevent a delegation of their authority into the hands of *temporary* Veſtrymen and Churchwardens? Churchwardens indeed cannot tranſfer their authority, becauſe they are the deputies of the pariſhioners, in the department they act, and cannot go beyond the bounds preſcribed to them: upon the ſame principle members of parliament cannot commit their truſt into the hands of others; but the corporate body of a pariſh is compoſed of the people themſelves, who have no principal or charter to impower or prevent a delegation of the parochial authority veſted in them.

But there are ſuch things as perpetual veſtries: we have already refuted the notion, that the pariſhioners are incorporated by *preſcription charter* or *act of parliament*. What then was the origin of *perpetual veſtries*? A delegation doubtleſs of the parochial authority by the politic body itſelf. If then the pariſhioners by powers derived from the common law could originally as a politic body commit their whole authority into the hands of a *perpetual veſtry*, ſurely and *a fortiori* they may appoint *temporary* Veſtrymen and inveſt them with the parochial authority. The body politic of a pariſh created by *operation of law* is in fact nothing more than a ſociety or aſſemblage of people collected together for the government of themſelves and therefore what they can do by themſelves they may do by others.

Mr. Attorney takes up our argument in another point of view: and contends that independently of the Act of 1701-2 there can be no Veſtrymen and Churchwardens: his argument is this: without a pariſh, there can be no church: without a church, no incumbent: without an incumbent, no Veſtrymen and Churchwardens. He urges there can be no church in *legal underſtanding* without an *eſtabliſhment* for the incumbent. We cannot comprehend this and ſhould

have thanked him for his authorities. If a parish is eſtabliſhed by act of aſſembly and a church eſtabliſhed by act of aſſembly and ſuch act of aſſembly be a law, in our judgment ſuch a pariſh in *legal underſtanding* is a pariſh, and ſuch a church *in legal underſtanding* is a church, whether the incumbent, in imitation of the apoſtles, preaches upon charity and donations or preaches upon *eſtabliſhed pay*. But let us advert to the reaſon advanced by Mr. Attorney in ſupport of his doctrine—"Pariſhes and churches were "inſtituted for the adminiſtration of *ſpiritual comfort "and inſtruction*." This we admit but deny the efficacy of his reaſon to ſupport his poſition. We cannot conceive how an *eſtabliſhed ſalary* for the incumbent is eſſential to the adminiſtration of *ſpiritual comfort and inſtruction*. The apoſtles preached *upon charity* and with ſucceſs: the miniſters of the church of England preach in ſome other colonies with general ſatisfaction to their reſpective congregations and yet they preach upon *voluntary contributions*: the Quakers preach *without any pay* and yet thoſe of their profeſſion flatter themſelves they are ſufficiently ſpiritualized with ſuch an adminiſtration of ſpiritual comfort: the Preſbyterians preach upon *ſubſcriptions*, and that ſect is diſtinguiſhed for their piety and religious attachments. We can find no reaſon, why the people of the church of England ſhould ſo widely differ from every other denomination, as to be dead to all impreſſions of religion, till they are awakened from their lethargy by a plundering miniſtry with ſheriffs and officers at their backs to ſtrip them of their property or drag them to jail. Is it poſſible that mankind can conceive a more exalted idea of *a proud pampered prieſt* than of a *meek humble paul!* It is enough for us to know that *we the clergy of the eſtabliſhed church* are called up from their *natural and reſpectable* ſtations by *a ſpirit* to teach the chriſtian religion: they ſolemnly avow their belief of it in the hour of ordination: and when they quit England and come amongſt us *ſweating* under the heavy load *of parchment rolls, certificates, credentials*, and *teſtimonials*, we cannot preſume they adopt a freſh connexion, immediately cultivate an acquaintance with the *forty per poll* and bid adieu to that *miraculous ſpirit*, which called them to take holy orders, waſted them acroſs the ſeas, and conducted them in ſafety to *a fat pariſh* in Maryland.

Mr. Attorney ſeems to have been miſſled by the manner of ſtating your queſtion to him, and has run into ſome intemperance of expreſſion in expoſing our ideas of *legal cuſtoms*; he muſt have ſtrangely miſconceived our intention to charge us with a deſign of adopting the *local cuſtoms in England* and extending them here. A propoſition containing the negative of your queſtion, "that the veſtry of St. Anne's pariſh "in Anne Arundel county have no right to act in "virtue of any cuſtom in that pariſh independent of "the Law of 1701-2" may be true; and the affirmative of our preciſe anſwer "that we act as Veſtrymen "by the authority of the pariſhioners founded upon "cuſtom, law and common right who choſe nominated and elected us Veſtrymen of St. Anne's pariſh according to the uſage and cuſtom of the pariſh be"yond the memory of man" may be equally true; the two propoſitions ſtand conſiſtent.

But Mr. Attorney is of opinion, we can draw no aid to our argument from any *cuſtom originating in this province*—he grounds himſelf upon the *legal idea* of a cuſtom in England, which cannot exiſt, as ſuch, when the origin of it or memorial of its creation can be traced and pointed out. We thank him for the apology he has made for our ſuppoſed miſconception of this *legal idea* of a cuſtom, though indeed we ſhould not deſerve his compliment of "*diſtinguiſhed abilities "and genius*," if we had in fact betrayed ſuch palpable ignorance. We knew that *cuſtoms* prevailed in this province, and that their origin could be inveſtigated and traced; the *legal idea* therefore of a cuſtom in England could not be applied to a *cuſtom* here. We took the expreſſions *beyond the memory of man* in a vulgar acceptation: becauſe under ſuch acceptation alone could the *cuſtoms* exiſt, which have hitherto prevailed as ſuch in this province.

Mr. Attorney is pleaſed to ſay that *cuſtoms* in this province are ideal and abſurd "the government is "created by charter, which on the principles premiſed "is in legal idea within time of memory," and of conſequence every act poſterior to the eſtabliſhment of the government muſt be alſo *within memory* and cannot be taken as law upon the ground of *cuſtom*.

Let us conſider the conſequences of Mr. Attorney's poſition. We have in this province *ſuch a thing* as a middle branch of the legiſlature diſtinguiſhed by the dignifying appellation of *The Honourable the Upper Houſe of Aſſembly*. *How* and *when* was this *thing* propagated and brought forth? We affirm not by the Charter; but long after the ſettlement of this province our anceſtors *in an unguarded hour* paſſed an Act of Aſſembly for the creation of it: this Act of Aſſembly was *temporary* and expired with *that Aſſembly*. In what element then does this *thing* draw its vital breath? It exiſts only by *cuſtom*, which in vulgar acceptation has prevailed *beyond the memory of man*: but if the *legal idea* of thoſe expreſſions is to take place and a *cuſtom* fails, when the origin or memorial of its creation can be aſcertained, the conſequence is obvious, that this *celebrated thing* is fairly kicked out of its atmoſphere.

It is a conteſted point, whether the duty upon tonnage belongs to the publick, or the lord proprietary: this duty was created by the act of 1661 and made payable in powder and ſhot or the value. When a queſtion was made before the King and Council with reſpect to his Lordſhip's claim of it, the *attorney general*, in his ſtate of the caſe, obſerved that the payment in powder and ſhot had been converted by *uſage* into money, and ſettled at fourteen pence per ton. The judgment of the King and Council was not, that his Lordſhip ſhould receive *powder and ſhot*, but *the fourteen pence per ton*. This fourteen pence per ton has been received by his Lordſhip in the vulgar acceptation of the expreſſions *beyond the memory of man*: but in Mr. Attorney's judgment no *cuſtom* here can prevail, when the origin of it can be proved. Captains of veſſels, then, may pay this duty in *powder and ſhot*: let them do it: this good conſequence will reſult from it: we ſhall have plenty in caſe of an invaſion; the lord proprietary, when the payment is in money, may appropriate it to his private uſe in England, but when the payments in *powder and ſhot*, he muſt lock up this revenue in ſome warehouſe here, as 'tis probable no body would buy; exigences may require an application of it to publick purpoſes and thus the original intention of the act may be effected and carried into execution.

In laſt September provincial term, a queſtion was ſtarted, whether coſts ſhould be taxed in *tobacco* or *money*: no Act of Aſſembly exiſted to determine this queſtion: our judges taxed the coſts *in tobacco*. They proceeded upon the ground, that as far back as our conſtitution could be traced, coſts had been taxed *in that manner*: we do not mean to vindicate this judgment; but we quote it to ſhew that in the opinion of our judges, there may be ſuch an *antient uſage* as obtains the force of law.

The lord proprietary in 1728 aſſured the aſſembly he never would break in upon the laws, *cuſtoms* and acts of aſſembly of this province.

But what has been the idea of the legiſlature itſelf with reſpect to *cuſtoms originating here?* the *oath* of our judges is framed by an act of aſſembly; by this *oath* they are ſolemnly bound to regard the *cuſtoms* of the province: this is the oath—

"You ſhall ſwear &c. you ſhall do equal law and "right &c. according to the laws, CUSTOMS and di"rections of the acts of aſſembly of this province &c. "and where they are ſilent, according to the laws, "ſtatutes and reaſonable cuſtoms of England as uſed "and practiſed within this province."

Mr. Attorney, after endeavouring to prove the abſurdity of ſetting up an *ideal cuſtom*, proceeds to tell us of the conſequences, which he thinks may be deduced from our doctrine—"If veſtries had obtained authority and a right of acting by the uſage which had "then prevailed independently of the Act of 1701-2" then "the cuſtoms which have prevailed of inducting "miniſters by the Governor and their receipt of the "forty per poll will be certainly thought of equal "force."

As to the point of *induction*, we throw that out of the caſe: Mr Attorney has not been explicit, whether the authority to induct needs the aid of the act of 1701-2 or *cuſtom*.

That a right to the forty per poll is deducible from our principles of a *cuſtom*, we take the liberty to deny. It is not only eſſential to a *cuſtom*, that it has prevailed *beyond the memory of man*, but it is an equal ingredient to conſtitute the validity of it, that there be *no interruption or ſuſpenſion of it*. 1 Black. Comm. 77. "Any "interruption, ſays that learned judge, would cauſe a "*temporary ceaſing*. the *revival* gives it a *new beginning*, which will be in time of memory and there"upon the *cuſtom* will be void." How then ſtands the forty per poll upon the point of *cuſtom?* This *cuſtom* has been broke in upon and interrupted twenty-four years by divers ſucceſſive acts of aſſembly. It is plain theſe acts or inſpection laws occaſioned a *temporary ceaſing* of the forty per poll:-When did they expire? Only two years ago: the *revival*, then, of ſuch *cuſtom* muſt be dated from that period and of conſequence *within memory* "and thereupon the cuſtom will be "void." Thoſe acts of aſſembly were negative laws with reſpect to the *forty per poll*, and expreſſly enacted a *temporary* diſcontinuance of the *right* to it. The words of the ſeveral acts were, "During the continu"ance of this act the county courts ſhall levy &c. NO "MORE than 30 pounds of tobacco per poll *inſtead* of "40 per poll." Is not this an expreſs diſcontinuance of the *right* to *the forty per poll* pro tempore or during the act? If the *right* ſubſiſted, the *right* might be exerciſed: but would not an exaction of the *forty per poll* have been a palpable breach of the act of aſſembly? If then the right was diſcontinued "though for a day," the ſame learned judge declares the cuſtom annihilated and deſtroyed. An inheritance indeed derived from *preſcription* or *cuſtom* cannot determine by *matter in pais*, but our acts of aſſembly are certainly matters of *record*.

But Mr. Attorney endeavours to alarm us with *tithes*. "By the general cuſtom of England and of "common right tithes are due to the clergy for their "ſupport and maintenance: if they are not entitled "to the forty per poll under the act of 1701-2, the "common law in this reſpect remains in full force un"reſtricted by any poſitive act of the legiſlature, and "conſequently the claim upon legal principles ſtands "unimpeached." We cannot preſume Mr. Attorney in earneſt upon this point: our idea of his legal abilities forbids it; yet why ſhould he endeavour to alarm the province with apprehenſions he himſelf cannot feel?

Mr. Attorney, ſurely, is not of opinion, that tithes can be extended to this province on an admiſſion that the act of 1701-2 is not in force, any more than they can under an admiſſion that it is in force. To ſpeak in general, the common law certainly extends here; it has an operative force till altered by our acts of aſſembly; the act of 1701-2 is in the affirmative only to aſſeſs forty per poll without any thing negative to exclude tithes; if the common law for tithes then extends, it is only the common caſe of two conſiſtent laws, where the obligation to obey both remains.

When God ordained ſacrifices for the atonement of ſins and eſtabliſhed a miniſtry to be exerciſed by *Moſes* in the character of high prieſt and by the *levites* in an inferior ſubordinate capacity, he aſcertained what offerings ſhould be brought to the altar and appropriated a part for the prieſt and to the levites he gave tithes or tenths as a compenſation for their care of the tabernacle. The *levites* ſeem to us to ſtand in the predicament of *churchwardens*.

Sacrifices were aboliſhed by the Goſpel diſpenſation and of conſequence the different offices of *prieſt* and *levite*: the offices then being annihilated, the fees, offerings and tenths fell of courſe.

The Apoſtles preached the Goſpel at the hazard of their lives, and yet their Lord and Maſter eſtabliſhed *no pay* for their ſervices: but when perſecution and the natural fate of mankind had ſwept them away, in proceſs of time doctors of divinity notwithſtanding their declarations in the hour of ordination felt themſelves as men—with every propenſity and appetite for the good things of this world.

In times of old an opinion was generally adopted that it was in the power of the prieſt to *damn* or *ſave*: under this impreſſion Offa, a King of part of England, in order to coax the prieſts to give him an abſolution for the murder of King Ethelbert, made a law, by which he gave the tithes or tenths of the produce of all his lands to the churches in his kingdom.

When the ſeveral parts of what is now called England, through a variety of changes and mutations, had devolved upon King Ethelwulph, he by a grant *now extant upon record* enlarged and extended Offa's eſtabliſhment of tithes over the whole realm and granted them to the churches.

Antiently all the lands of England were the property of the crown; and as a man may charge what is his own with ſuch incumbrances as he pleaſes, the above Kings had a legal authority to burthen their lands or territories in the manner they did by their reſpective acts and deeds.

When lands, in proceſs of time, were diſpoſed of by the crown to the ſubject, they were purchaſed with the *precedent charge* of tenths or tithes: and all the ſtatutes with reſpect to tithes conſider them as the property and inheritance of the reſpective churches and officiating clergy in England, acquired by antient grants and donations, and as inſeparably annexed to theſe churches as the gifts of a glebe: the ſtatutes do not *create* tithes but merely inforce the *payment* of them.

When this province was in the hands of the crown and the King originally veſted with abſolute property in the ſoil, he might have exerciſed ſuch a power of ownerſhip, as to charge it with tithes or any other incumbrance: *but he never did*: his grant to the lord proprietary was free from all incumbrances and of conſequence from tithes. When his lordſhip became entitled to the province, he too from that power, which he had over his own property, might have diſpoſed of his lands under the reſervation or incumbrance of tithes: *but he never did*. Our *American* anceſtors alſo when they obtained grants from his lordſhip might upon the ſame principle have charged their reſpective property with ſuch a burthen, *but they never did*: the people therefore of this province hold their lands free from tithes or tenths.

The lands, we have purchaſed, are our property; as ſuch they cannot be burthened or charged *without our aſſent*; the common law ſhields us from ſuch an evil: the eternal laws of nature and reaſon are invincible bars to it.

It is ſaid in our law books, that tithes are due by common law to the churches in England: and our books are right: the common law with reſpect to tithes *there* has a legal foundation to operate upon, *the aſſent and grants of our Engliſh anceſtors*, who had the lands in England and had of conſequence the power to charge them with ſuch a burthen: but the common law has no ſuch capital ground *here* to work upon.

A queſtion may be aſked, why tithes are ſaid to be due by common law and common right, when in fact they are founded upon donations and grants? The reaſon is this: by the ſtatute of Weſtminſter cap. 38. it is enacted, that whatever was done in the reigns antecedent to the time of Richard ſhould be deemed and taken as *beyond the memory of man*: and therefore the ſtatutes made before that period and general grants and donations cannot be plead as ſuch but are adopted and received as common law and common right. Tithes were granted before the time of Richard and hence they are claimed by the churches in England as common law rights.

It is held that the common law which is the birthright of every ſubject extends to the Britiſh colonies. Salk. 411. 666. 2 p. Wms. 75. But ſays Mr. Blackſtone the coloniſts carry with them only ſo much of the Engliſh law as is applicable to their own ſituation and the condition of an infant colony; and he further obſerves that the artificial refinements and diſtinctions incident to the property of a great and commercial people, the laws of police and revenue (ſuch eſpecially as are inforced by penalties) *the mode of maintenance for the eſtabliſhed clergy*, the juriſdiction of ſpiritual courts and a multitude of other proviſions are neither neceſſary nor convenient for them (colonies) and therefore are not in office—1. Black. 106.—Mr. Blackſtone is certainly right in his law, though as certainly miſtaken in the fact, when he aſſerts that our American plantations are principally conquered countries.

We have now done with Mr. Attorney whoſe argument occaſioned an unavoidable prolixity in our anſwer.

You urge a long ſtring of queſtions and uſe a profuſion of argument to prove our election and qualification as Veſtrymen were under an idea of the exiſtence of the Act of 1701-2; you ſeem to hope, contrary to any deſign we ever entertained, we ſhould deny it; but as we do not, we ſhall be glad to know the inference you would draw? If we were elected and ſworn as Veſtrymen under an idea we then entertained, that the act had the force of a law, and we have been ſince clearly ſatisfied, that the act is void; and if we are, as we think, legal and conſtitutional Veſtrymen *by the common law*, is it not our duty, and are we not impowered to act ſtill in our office? Your aim in this could not be to convince the underſtanding; your own mind could not be influenced by your reaſoning. But, Mr. Boucher, as it will be in your *profeſſed element*, and we are but in our *noviciate*, we ſhould be obliged to you to inform us, whether if you were in our circumſtances and had taken the oath, we did, which admit was only voluntary, and thought with us, that you had ſtill a rightful authority by the common law, would you have had no impreſſions, that you were under a moral obligation from your oath to exerciſe your office?

Notwithſtanding a conſiderable majority of the *worthy* clergy in this government of Maryland are a-

gainſt the introduction of an epiſcopate, and the ſenſe of America is ſo well known, you ſtill avow yourſelf a warm advocate for the meaſure; and allege that owing to the miſrepreſentation of ſuch illdiſpoſed and illadviſed writers as we are, it was ſuppoſed to be unpopular and therefore failed; thus not only pertinaciouſly perſiſting in your opinion on a meaſure rather political than religious againſt the almoſt unanimous ſentiment of America, but alſo abuſing your opponents who, without compliment to them, were ſuperior to yourſelf in abilities, as you do us for illdiſpoſed and illadviſed writers; and yet at the ſame time you will not allow us to act our own conſcience againſt your opinion of conſiſtency. Does this prove you the man of real worth or ready to light the fagot if you dared?

We do not wiſh that our ideas of law ſhould controul any man: but as we acted in the publick ſtation of Veſtrymen it was natural for us to make our judgment the rule of our conduct. We do not affect a ſuperiority of legal knowledge: we may have erred; but it was extreme injuſtice in you Mr. Boucher to impute it to a depravity of heart. Mr. Attorney acquits us of *criminal intentions*, you adopt his *law* but reject his *humanity*: is this the *charity* or *implacability* of a prieſt?

We are, Sir,

Your humble Servants,

SAMUEL CHASE,
WILLIAM PACA.

Annapolis, March 8, 1773.

To the PRINTERS.

THE author of the dialogue, Gazette No. 1434, between a Courtier and a Countryman, has very much miſrepreſented the ſubject of it; but I do not charge him with any unfair deſign; he may have been deceived by others. But though his intention, may be upright, he may miſlead, in conſequence of having been miſled himſelf, if his errors are not pointed out. To obviate this miſchief, I ſhall collect the ſubſtance of what he has advanced, and make ſuch remarks thereon, as upon the whole, may enable the reader to form his own judgment. It is of no uſe to take notice of general expreſſions. On each ſide they may be advanced without end and without information.

That the two houſes of aſſembly, the ſeſſion before the laſt, differed on the point of what table of fees ſhould be eſtabliſhed is, unhappily, too true; and it is well known that abuſes were alleged, and a new table of fees, therefore, to prevent them, propoſed by the one, and that it was alleged, by the other houſe, too great a reduction of fees was aimed at, under the pretence of abuſe, and therefore the old table of fees inſiſted upon. What paſſed, on this diſpute, will better appear from the meſſages between the two houſes, and from the proceedings on the conference the laſt ſeſſion, than from any ſtate the narrow limits of this paper will allow.

It is ſaid by the author of the dialogue, that "the "*new* table, being diſagreeable to the officers, who "compoſed in great meaſure the upper houſe, the "bill failed." It is true, that the ſeſſion before the laſt, the two houſes ſpilt on the article of the fees. Both houſes, however, agreed ſo far that all perſons, planters and others, ſhould be at libe ty to pay the clergy and officers in tobacco or money at 12/6, as might beſt ſuit them. The one houſe being as much a part of the legiſlature as the other, the aſſent of both was neceſſary to make a law, and the diſſent of the one to the new table as ſtrong as the diſſent of the other to the old table. No binding authority, therefore, can be drawn from the opinion of the one houſe or of the other. When, then, the ſeſſion was over, there was nothing done by the aſſembly to regulate the fees. If there was no other authority to regulate and reſtrain the officers, there could be none to hinder them from taking as much as they could get. In this ſituation, then, the method, purſued to regulate and reſtrain the officers, was the *proclamation*; but to this the author of the dialogue objects, that "the very table in conteſt was ſet up "as the ſtandard of right and wrong beween the "officers and the people. In other words, the "*chancellor and ſurveyor general of the weſtern ſhore*, "as Governor, by and with the advice of the other "great officers, who chiefly compoſe his council, "made that regulation relative *to their own fees*, "which the ſeveral conſtituent branches of the le"giſlature could not agree upon."——Again he aſſerts, that "officers, in the plenitude of their "power, aſſume the ſtation of judges in their own "cauſe," &c. This objection contains great miſrepreſentation as well as abſurdity. For as to the *chancellor's fees*, the *old* and *new* table were *exactly* the ſame; and therefore what the author of the dialogue has ſaid, that "the very table in conteſt "was ſet up," is not juſt with regard to the *chancellor's fees*. And as to the Governor's ſetting his fees as *ſurveyor*, this alſo is not juſt, for he was *not* ſurveyor. Beſides, to ſuppoſe that the Governor iſſued a proclamation, relative to any fees claimed by *himſelf*, is abſurd; for he threatens by the proclamation *all* officers, whoſe fees are regulated by it, with his *diſpleaſure*, if they *exceed* the rate ſettled. Theſe *threats* extend to *all* officers, to whom the regulation extends. If, then, the regulation extends to *himſelf*, his *threats* extend to *himſelf*. But that *he* threatens *himſelf* with *his own* diſpleaſure, ſhould he not obſerve *his own* regulations is a ſuppoſition ſo *bulliſh*, that, in my conſcience, Mr. *Countryman*, I will not preſume you to be a countryman of mine, or a native of this *petty* province, as you call it; ſince, from a variety of ſimilar ſymptoms, it is ſufficiently apparent that nothing *leſs* than *the kingdom* has a juſt claim to that honour.

That "the great officers, who chiefly compoſed "the council, adviſed the regulation of their own "fees," is likewiſe not true; for the treaſurer, agent, naval officer or judges of the land-office claim no fees regulated by the proclamation. Therefore the allegation is not juſt, that "the officers, who chiefly compoſed the council, adviſed a regulation of *their own fees*."—Inſtances, it is ſaid, of courts at home ſettling fees do not apply; "becauſe the courts are not *ſo deeply*, if *at all*, concerned."—This objection is founded on the miſtake I have noticed, viz. "that the officers, who chiefly compoſe the "council, made the very regulation relative to *their* "*own fees*"——therefore, there can be very little weight in an objection, founded principally on miſtake.—But, moreover, I have underſtood that the judges at home have fees and a conſiderable intereſt in the value of the offices, the fees of which they ſettle. It is ſaid, further, "if, in England, *either* "of the *parties* conceive themſelves aggrieved (by the "ſettlement of the fees by the judges as I underſtand "the paſſage) trial may be had before a jury." By the word *parties*, I ſuppoſe, the officers and ſuitors are meant. And if this be the meaning of the author of the dialogue I think he is here again miſtaken. For I can't imagine that the judges would ſuffer the officers to pretend to more than their allowance. If his meaning be confined to the *ſuitors*, there ſeems to be reaſon for it. And if I underſtand *Antilon* aright, he allows the remedy for the officers to recover fees muſt be ſuch as every other creditor muſt purſue in a courſe of law: Taken, therefore, in this light, there is no difference in the two caſes.

When afterwards the author of the dialogue grows warm, he muſt excuſe my ſaying, that I think he is off his guard. "He will not, he ſays, take upon "himſelf to determine how the law may be on "conſtitutional principles;" but yet undertakes to pronounce, "be thoſe inſtances as they may, they "come not up to the proclamation." Here ſeems to be ſome degree of haſtineſs. "Be they what "they may." &c. This is rather too much to ſay, without an acquaintance with what the inſtances *may be*. Modeſtly to allow, that he has not a full knowledge of the matter, and yet to uſe expreſſions, which ſeem to imply *all poſſible* knowledge of it, is rather unguarded. When he proceeds to make ſome compariſon between *ſhip-money* and the *proclamation*, it ſeems to me, that he is again very wide of the mark. "Compulſory methods, ſays he, by ſeizing "the perſon or property of thoſe who did not pay, "were directed, 'tis alleged, by King CHARLES "and his miniſters. The proclamation threatened "only the Governor's diſpleaſure; heavy enough "this to annual officers, or mere tenants at will."—Here the reader muſt perceive the moſt material difference. The *people* were *compelled* to pay the arbitrary tax of *ſhip-money*, by having their property or their perſons executed. But the *proclamation* does not *compel* the *people* to pay the *officers* by execution; but its *binding* powers are confined to the *officers*; who are obliged not to receive beyond a certain rate. "Officers, ſays the author of the dialogue, "are mere tenants at will." Very true; and what is the conſequence?—That being tenants at will, they may be turned out, if they take more of the people than the *proclamation* allows. From this conſideration is derived the great force of the *proclamation*; which, operating upon the officer's dread of the Governor's diſpleaſure, reſtrains from *extortionate* exactions. In a word, the tax of *ſhip-money* was *levied* upon the *people*, under the pain of *execution*. By the *proclamation* nothing is levied upon *the people*. They are fully at large; but the officer is kept within a certain line in his demands on the people, under pain of the Governor's diſpleaſure; which, as this author very juſtly obſerves; "is heavy enough to "annual officers, or mere tenants at will."—How could you, Mr. Countryman, ever think of comparing things, ſo entirely unlike?

In purſuit of the ſentiment, that the *proclamation* and the rigorous tax of *ſhip-money* are ſimilar, he remarks, "that in caſe of non-payment in ready mo"ney at 12/6, the whole was to be paid in tobacco "by the *farmer* as well as *planter*; and the power of demanding tobacco, in caſe of non-payment in *rea*"*dy ſpecie*, was a ſufficient rod in the hands of the "officer." On this remark I muſt firſt obſerve, that if it be juſt; the caſes of the *proclamation* and of the arbitrary tax of *ſhip-money* are widely different; becauſe in the *ſhip money* the tax was levied by *execution*, and by the *proclamation* the fee is recoverable only in *due courſe of law*. But in the next place, I muſt obſerve, that here too is another miſtake; for by the *proclamation* the fees are to be paid *according to the inſpection act*; by which the *farmer* may pay at 12/6. And if a *ſufficient rod* was intended, the officers did not take the hint, for in all the fees they have ſent out for collection, they have left it to the option of the people, *planters* as well as *farmers*, ever ſince the proclamation iſſued, to pay in money at 12/6, or in tobacco.

He obſerves, that "men are under a neceſſity of "having buſineſs done at the publick offices.—Very true.—But what then? Surely, they who do the buſineſs are to be paid for the ſervice. The perſons to pay, and the perſons to receive have each their intereſt—the one to pay as little as he can—the other to receive as much as he can. If intereſt ought to hinder one from ſettling the ſum, ſo it ought the other. Suppoſe, then, no ſettlement or rule; what will be the conſequence? Says the perſon who wants his buſineſs done, "I will pay you a ſhilling for it"——Says the officer, "I wont do it for leſs than 2/" If there be no ſettlement or rule; who is right and who is wrong, and what is to be done? Why, go to law about it.—Is this the meaſure you would adviſe, Mr. Countryman? And don't you think the lawyers and officers get enough of our property already? This, indeed, would bring griſt to their mill, with a witneſs.——But hearkee, Mr. Countryman, don't let us forget out of whoſe pockets the toll is to come.

If fees may be ſo ſettled, ſays the author of the dialogue, "we have no uſe for repreſentatives, and "therefore may ſtay quietly at home, and not "trouble ourſelves with politicks."—Why ſo?—Is there nothing elſe to be done, but ſettling the fees of officers? If your ideas of the buſineſs of a legiſlature are thus limitted, you, indeed, Mr. Countryman, have "troubled your head very little with "politicks."—Officers fees, however, may alſo be ſettled, when animoſities ſubſide, and moderation is reſtored on both ſides; but I muſt obſerve, that it does not follow, that nothing can be done, if the will and pleaſure of one branch of the legiſlature is not, of courſe, to be a law; unleſs it can be proved, that nothing can be done, till the preſent conſtitution is undone, and a new one erected on the ruins of it. But we ſhould be well ſatisfied of conſequences, before we venture on this experiment.

The alarm of the author of the dialogue ſeems to be very great, when he expreſſes his apprehenſion, that the time may be approaching, when we ſhall be obliged to ſubmit to whatever the Governor and council ſhall think fit to impoſe. God forbid ſuch a time ſhould be, as that the Governor and council, *or any other ſet of men*, ſhould be allowed to impoſe upon us what they pleaſe, againſt law and right.—This alarm ſeems to be raiſed in the author of the dialogue, by the miſrepreſentations I have endeavoured to correct. If the Governor and council, or any other order of men ſhould break through the proviſions of expreſs law, and thereby arbitrarily draw a great deal more money from the peoples pockets than the law allows, there would be much reaſon to be upon our guard againſt ſuch men. We ſhould not be ſuch dupes as to rely upon *their profeſſions* of regard for the *laws* of their country and the *eaſe* of the people, whoſe conduct ſhould *violate the law*, and lay an *heavy charge* upon the people.—Suppoſe, for inſtance, a poſitive act of aſſembly, directing in the cleareſt terms, *that only ſuch and ſuch particular fees* ſhould be taken, and that *the perſons, thus directed*, ſhould take *double*, nay often *a great deal more* than double of thoſe *particular* fees, ſo ſettled by the *law*, or *refuſe* or *neglect* doing the buſineſs. This would give juſt cauſe of alarm. For if *any ſet of men intended to be expreſsly controuled by a law, may violate that law*, and make it uſeleſs, *ſuch* men ſo far would exerciſe *arbitrary* power. And if ſuffered to trample upon *one law*, and draw from the peoples pockets *more* than *by law* they ought to pay; why may they not trample upon *another* law, if they have a like intereſt to promote by it?—The author of the dialogue profeſſes to cenſure *meaſures* and *not men*, and therefore has cenſured the *proclamation*, becauſe he thinks it not *warranted by law*. Candour and conſiſtency, then, muſt make him cenſure any *other conduct*, by which money is taken out of the peoples pockets *againſt law*; and his cenſure will be in proportion to the *clearneſs* and *certainty* of the law which is violated.—By a moſt clear and poſitive act of aſſembly the *legal* fees of the lawyers are thus ſettled. Lawyers "ſhall not preſume to aſk, receive, "take, or demand for *bringing, proſecuting, or de*"*fending* any action in the county court to *final* "*judgment, agreement, or other end*, more than the "ſum of 100 lb of tob. if the principal debt or da"mage or balance thereof ſued for and warranted "exceed not the ſum of 2000 lb of tob. or 10 "ſterl. and if it exceed that ſum, then 200 lb of "tob.—And in the provincial and commiſſary's "court 400 lb tob.—In the chancery, admiralty, "and court of appeals 600 lb tob."——Nothing can be more certain than that there is ſuch an act of aſſembly, and nothing more clear and poſitive than the words of it. The penalty the act provides, in order to ſecure an obedience to what it directs, is, that a *lawyer, convicted of preſuming to violate it*, ſhall be *incapable to practice*.——If the very order of men, intended to be bound by this certain, poſitive, clear law, break it, and take from the people *more*, and *often a great deal more* than the law allows; needs there any proof to ſhow that their conduct is *arbitrary*, and that they make a law uſeleſs, becauſe it is for their intereſt to trample upon it? Many people are obliged to apply to the officers to have buſineſs done, and perhaps as many or more are obliged to apply to lawyers. And as they are under this neceſſity, both *lawyers and officers* ought

SUPPLEMENT to the *MARYLAND* GAZETTE.

THURSDAY, MARCH 18, 1773.

to be restrained, and not allowed to plunder the people as they please. I confess that the insult to my understanding ruffles my temper, when I hear men harrangue about the oppressions committed by others, when I know *they themselves* oppress, and oppress grievously; and talk about the constitution, when they notoriously infringe *so certain a part of it as a clear, positive law.*—Surely, such immence impudence is without any precedent!——On these occasions I can't help suspecting, that their design is to divert the attention of the publick from their own conduct, and to recommend themselves to the people by a pretended tenderness for their ease and interests, in order that *they may be in a station to prevent the passing of an effectual law; which they may not be able to evade or violate.*

I know not what *Antilon*, means, when he says, "that this *act* is become a *dead letter*, from its illi-"beral allowance in causes of difficulty in the su-"perior courts,"——When an act of assembly is regularly made by the legislature, what order of men, who have not the legislative authority, have a right to say the law is unreasonable, and ought to be disregarded, in order to make profit at the expence of the people? Every lawyer who charges a fee in any action, *before it is finished* violates a clear, positive law; and so does every lawyer who *presumes to ask, take, receive, or demand*, in any of the courts, *any* more than the fees I have mentioned——This is no point, upon which there may be arguments *pro* and *con*; but is certain and clear. *Our constitution in this is not to be doubted.*——Let us, then, lay aside prejudices——judge of *mens measures*——compare them with their *professions*; and conclude fairly that they are right or wrong as they appear to be so by the just test of the law; and rely upon, or suspect their sincerity, *not according to what they say, but according to what they do.*

PLAIN TRUTH.

To the FIRST CITIZEN.

HAVING as much respect for you, as you have any degree of pretension to, I shall take *all* the notice of your last admirable publication, that the veracity, candour, pertinence, erudition, ingenuity, and magnanimity of the author, or authors of it may seem to deserve, when an argument shall be offer'd by the INDEPENDENT WHIGS, or any other of the CONFEDERATES, *worthy* of attention, and *entitled* to an answer.

ANTILON.

To WILLIAM PACA, *Esq;*

SIR,

WILFULLY to *misunderstand*, and *misrepresent* an adversary, are tricks in controversy, that have been practised, *time immemorial.* It was therefore natural for me to expect them from you: I did so, and you have not disappointed me. But, Sir, it is as convenient to me to be rightly understood, as it is to you, to mistake me. I, therefore, avail myself of the privilege of a fair disputant, to declare, that I have no where *pronounced the assigned cause of your doubt, a groundless insinuation.* Your affecting to doubt my veracity, I did, justly, pronounce to be an insinuation both *groundless* and *unmannerly*: and yet, you are not ashamed to repeat it. What must the world think of your candor, when informed, that you did certainly know my assertion of the fact to be true, even now that you again say, it still wanted confirmation? Be more just to yourself, Mr. Paca, and despise such disingenuous shuffling, and ungentleman-like evasions. Believe me, it would have better become you, along with other exceptionable paragraphs, discretely to have blotted this out.

It is with reluctance I find myself constrained to call back the attention of the publick, to a charge of inconsistency brought against you in my last, which you have, prudently, overlooked. Messrs. Chase and Paca considered me *as a mere echo* on legal topics: Mr. Paca had been told, that *I had furnished myself with law books, and had some legal knowledge*; and testified, by his conduct, that he believed what he was told. Whence, then, this difference in the accounts of Messrs. Chase and Paca in co. and Mr. Paca's *proper* account.

For your sake, I am sorry, I cannot think your vindication of yourself from a supposed charge, of *opposing the government, from a disappointment at court*, quite so satisfactory, as you seem to do. What would you think of a culprit, who, when arraigned, should content himself with coming into court, with a declaration, that he had a paper in his pocket, that would evince his innocence beyond the possibility of a doubt? Whoever he was that *attempted this blot upon your character*, I much fear, will hardly think you have yet wiped it out; I fear, moreover, that the world will think with me, that you needlessly stepped out of your way, to vindicate yourself from an imaginary charge, which you have failed in; unkindly, and, I think, ungenerously, leaving your friend and colleague under a strong, implied suspicion of being indefensible.

"You feed upon opinions, errors, dreams, and "make them truths." Be assured, I am not of that choleric temperament you imagine: and, through the medium of your own jaundiced eyes alone, you could see in me this furious spirit of anger, you so pathetically deplore. In this controversy with you, I have studiously avoided being satirical: it will be time enough for me to begin this, if I possess the talent, when I find you likely to baffle me in argument: nor have I, otherwise, *exposed* and *ridiculed* you, than by tempting you to write. If what you have written against me, escapes contempt, you may, Sir, safely bid defiance to me.

"That Jemmy Twitcher shou'd impeach me, I own "surprizes me." Of all men, I thought, you would have been the last to accuse any man of having *the itch of scribbling strong upon him. My suspicions do not outrun those of several other people*, in thinking, that, even in these scribbling days, few are more infected than yourself. I add, Sir, without the least design of being sarcastical, that it has been the lot of but few, with no greater abilities than yours, to have it in their power to do so much mischief by scribbling.

I am weary and ashamed of this frivolous controversy, which is degenerating into a mere contest of saying smart things, and personal altercation. Let us, I pray you, return to the original point in debate, which was not unimportant, nor unworthy the attention of the publick. On this condition, I forgive your repeated efforts to draw me off into bye-matters, losing sight of the main subject. I mean not, Sir, to be so unreasonable, as rigidly to restrict you to the question concerning vestries; you may *exhibit your talents* in occasionally flourishing on the matter of episcopacy; if I recriminate, it shall only be in quietly requesting you to vindicate yourselves from the imputations brought against you in a late piece, signed, *A Client.* You still may preach to me, to hasten to part with my *gentlemanly erudition, splendid accomplishments*, and *polished manners*: you still may *wish* me, after your own example, *immaculate purity, a badge of honour*, which, *when worn by a Maryland parson, might have the good tendency to bury that proverb in oblivion.* What *proverb*, my good Sir! And how, I would fain ask, may I wear this *badge of honour*—may I *plume* myself in wearing it as *a cap*, or as a *plume*, or both? I promise too, to give you full liberty to vent your spite, in calling me names, even worse names than those of *priest* or *parson.* I know, this last word, in its true and original meaning, *carries no reproach with it*: you know, that, in vulgar acceptation, it is supposed to be expressive of contempt. I fancy, you would *betray some peevishness*, were I, in return, to call you *knave*, or *villain*, or even *pettifogger*; terms, which your law books may tell you, in their literal and primary import, were unreproachful.

When you will be pleased to explain what you mean by *stopping the career of the forty per poll*, I may perhaps give you my *opinion* on the merits of yours. I ask pardon, if I mistake your meaning: but, I suppose you to allude to the late trial in Charles. From the state of the case in the Gazette of the 4th instant, one would have supposed your opinion might have contributed to stop the career of the forty per poll act, if that expression means, to nullify it. But, *the fair* and *impartial* state, in the last paper, gives, you see, a different account of the matter. And, I appeal to the publick, if so *unfair* a representation of a plain matter of fact, was not to offer a gross insult to the court, in which the verdict was obtained; if the fathering a presumption of the act's being *oppressive* and *illegal*, on the jurymen, whom it did not concern to consider it in their verdict, be not, unwarrantably, in some measure to *prejudge* a cause now depending in the provincial court. The world will suspect a cause, in which they see so much finesse and stratagem employed: of this sort, I judge the irregular publication of your opinion, in the publick prints—the endeavours that have been made use of to render unpopular the gentlemen, who have undertaken the cause of the clergy, so unworthy of men, *country-born* (how *little*, and how *mean* was this reflection!) and your sudden, and unexpected attendance on this trial, on the issue of which, probably, you supposed so much of your popularity to depend. Whether the act of 1701-2 be, or be not in force, *that old common arbitrator, Time*, will, one day, shew: and my most earnest wish, on this occasion, is, that you would concur in letting it be shewn speedily.

I can the better bear the cruelty of your *forgetting* me, in this coming hour of your exaltation, when I *recollect* that, were you to *remember* me, it, probably, would not be *with that benevolence which scripture teaches even to an enemy.* A man may easily pardon the being *forgotten* by one, who has the infirmity to *forget* himself. All I am in pain about is, lest those who are to *honour you with this publick character*, should not chuse to *forget* what has happened between you, and, Sir,

your humble servant,

JONATHAN BOUCHER.

12th of March, 1773.

LONDON, *December* 21.

By the report from the secret committee it appears, that a certain great company have now in their warehouses no less than 16,000,000 pounds of tea; a quantity more than sufficient to answer the sale of three succeeding years. It likewise appears, that the value of the company's effects in the city of London, that is, the India-house, and the different warehouses, as estimated by a surveyor, expressly employed for that purpose, amount to about 214,000 l. It is now beyond question, that the whole amount of the company's neat stock, after paying all their debts, will fall short half a million, unless government should agree to give them a compensation for their territorial revenues, or reimburse them for the vast sums laid out on the fortifications in Bengal. Should the former be the case, the proprietors will not divide twenty per cent. even on the original stock, which would not amount to twelve per cent. according to the current price.

WILLIAMSBURG, *March* 4.

This Day the General Assembly met at the Capitol, agreeable to the Governor's Proclamation, when his Excellency was pleased to make the following Speech:

Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Burgesses,

IT was far from my Intention, when we parted last, to have put you to the Expence and Trouble of meeting again here so soon; but I am persuaded you will see the Necessity of it when I inform you that all the Emissions of your Paper Currency, now in Circulation, are forged, and that in so masterly a Manner as to make it almost impossible for those the most knowing in such Matters to distinguish the good from the bad. Seeing that the Credit of the Country is so deeply affected by it, I thought it my Duty to assemble you immediately, that you might pursue such Measures as you shall think proper to restore it, if possible, to its former Credit. And I do most sincerely congratulate you, both on its being discovered so soon, and that the Authors of coining your Gold and Silver, as well as forging and passing your Paper Money, are in so fair a Way of receiving that Punishment which is due to their Crimes, as well those in a neighbouring Province as them in this Colony.

Mr. Speaker, and Gentlemen of the House of Burgesses,

Having nothing in Command from his Majesty to trouble you with at present, I hope you will proceed immediately, with the Coolness and Candour that is becoming so respectable a Body, to the Business on which you are now assembled.

Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Burgesses,

I do assure you that I shall be exceedingly happy to concur with you in enacting any Laws that it may be thought will contribute to the mutual Advantage of this and our Mother Country, whose Interests, I hope, we shall ever think inseparable.

ANNAPOLIS, MARCH 18.

*** *The pieces signed* PATUXENT *and* CLERICUS PHILOGERALETHOBOLUS *are received, and will be inserted next week.*

NOW FOR SALE,

THE Houses and Lots in which I lately dwelt, situated on the Court-House Circle in the City of *Annapolis*; they are all well inclosed with Rails and Pales. the Houses are mostly new and in very good Repair; they will be sold for a long Credit if required; the Terms may be known by applying to

REUBEN MERIWETHER.

N. B. This House and Lots are so advantageously situated, and so well known, that I think a minute Description of them needless. tf

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March 5, 1773.

ALL Persons who have any just Claims against the Estate of *Richard Sappington*, lately deceased, are desired to bring them in legally proved, that they may be settled; and those who are indebted to the said Estate are desired to pay their Accounts immediately, to

JOHN & RICHARD SAPPINGTON, Executors,
and,
MARGARET SAPPINGTON, Executrix.

TO BE SOLD,

THE Dwelling Houses and Lots belonging to the late *John Morton Jordan*, Esq; deceased, situated on the Bank of *Severn* River in the City of *Annapolis*. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to

their most obedient humble Servant,
REUBEN MERIWETHER, Admr.

To be sold, on Monday the 22*d Instant, at the House of Mr.* William Minor, *in* Queen-Anne's *County,*

A PARCEL of fine, healthy, likely young Slaves, consisting of Men, Women, Boys and Girls; among which are several excellent Cook Wenches; and most of the Slaves Country born. They will be sold for either Cash, Bills of Exchange, or short Credit, giving Bond with Interest, and Security, if required.

3w JAMES HUTCHINGS, jun.

THE Subscriber takes this Method to acquaint the Publick and his kind Customers, that he has removed to his Corner Brick House on *Corn-hill* and *Cross-streets*, not above 100 Yards from where he formerly lived; where he keeps wet and dry Goods for Sale, and takes in private Lodgers as usual. Any Gentlemen who please to favour him with their Company, may depend on good Entertainment, and their Horses well taken Care of, by their very humble Servant,

w3 JOHN BREWER, sen.

SCHEME of a LOTTERY,

for raiſing 1350 Dollars, for repairing the Road from *Connolloway* to *The winding Ridge*.

Number of Prizes.		Dollars.			Dollars.
1	of	300	is		300
3	of	100	are		300
6	of	50	are		300
15	of	20	are		300
30	of	10	are		300
60	of	5	are		300
75	of	4	are		300
850	of	3	are		2550
1040 Prizes			are		4650
1960 Blanks			gain		1350
3000 Tickets at Two Dollars each amount to					6000

BY the above Scheme there are not Two Blanks to a Prize, and the Prizes ſubject to no Deduction; and as there are many of them very valuable, it is not doubted but the Tickets will very ſoon be diſpoſed of, eſpecially as a great Number of them are already engaged.

The Drawing to begin at *Hagar's-Town*, on Tueſday the Third Day of *Auguſt* next if full, or ſooner if ſooner full, in the Preſence of Three Managers at leaſt, and as many of the Adventurers as chooſe to attend.

The Managers are, Meſſ. *Thomas Criſſop*, *Michael Criſſop*, *James Wood*, *Jonathan Hagar*, *John Swan*, *James Caldwell*, *John Caldwell*, and *Richard Yeates*.

A Liſt of Prizes will be publiſhed in the *Maryland* Gazette, which will be ready to be paid in One Month after the Drawing. Thoſe not demanded within Six Months will be deemed as generouſly given towards repairing the aforeſaid Road.

Tickets may be had of any of the Managers.

February 3, 1773.

COMMITTED to the Jail of *Charles* County, on the 2d Inſt. as a Runaway, a Negro Man, who calls himſelf HARRY, and ſays he belongs to *William Clark Compton*, living in *Nangemoy*, but that he ran away from *Joſeph Courts*, in *Virginia*, with whom he lived; he appears to be a young Fellow, and is about Five Feet Eight Inches high; Has on, an old Oſnabrig Shirt, and a new one over it, an old Sagathy Jacket, old Surtout Coat, and a Pair of very ragged black Everlaſting Breeches, good Yarn Stockings, Shoes and Steel Buckles.

The Owner is deſired to take him away and pay Charges, to

3w WILLIAM HANSON, deputy Sheriff.

WANTED,

A MAN well qualified to teach the Latin and Greek Languages. Such a Perſon, well recommended for his Sobriety and Diligence, may meet with good Encouragement, by applying to the Subſcriber in *Bladenſburg*.

JAMES HUNT.

P. S. The Subſcriber alſo takes this Method of informing the Publick, that agreeable to his Advertiſement ſome time paſt, he has opened a Grammar School in Bladenſburg; which, by the favourable attention of the friends of ſcience, though an infant ſeminary, hath arrived to ſuch a ſtate as enables him to employ aſſiſtant tutors. And he farther aſſures the promoters of this inſtitution, that, for the ſpecial benefit of his pupils, as often as the Increaſe of their Number ſhall require it, he will be careful to procure additional aſſiſtance, ſo that their tuition may be conducted with the greateſt accuracy and expedition.

He teaches the Latin and Greek Languages, Arithmetick, Logick, Rhetorick, Geography, Geometry, the moſt uſeful practical Branches of the Mathematicks, and the other Arts and Sciences neceſſary to form a complete academical Education.

He alſo compleats the Engliſh Education of ſuch young Gentlemen as have not an Opportunity of attending a general Courſe of polite Literature, by inſtructing them in the Arts of Reading, Writing, Geography, pronouncing Engliſh with Propriety and Elegance. (Surveying and Navigation at the uſual Premium, and in the moſt exact and approved Methods.)

Tuition at 6*l.* per Annum; genteel Lodgings in the Country and convenient to the School at 15*l.* the whole Amount 21*l.* Currency.

There is a Vacancy for Two (young Lads) at this Time in my own Houſe. Such Gentlemen and Ladies as chooſe to commit the Charge of their Children to him, may depend on the ſtricteſt Care of their *Morals* and civil Breeding, as well as literary Education, by the Publick's humble Servant,

3w JAMES HUNT, A. M.

ALL Perſons who have any Demands againſt the Eſtate of *Richard Thomas*, late of *Cecil* County, deceaſed, are deſired to ſend them properly atteſted; and thoſe who are indebted to ſaid Eſtate, are deſired to pay off their reſpective Balances without further Notice, to

w6 SAMUEL THOMAS, } Adminiſtrators.
THOMAS HUGHES, }

Now ready for the Preſs,

And to be printed by Subſcription, in one large Octavo Volume, containing about Three Hundred Folios.

(Price Ten Shillings)

FOR

Mr. County.

THE

DEPUTY COMMISSARY's GUIDE

WITHIN THE PROVINCE OF

MARYLAND.

TOGETHER

With plain and ſufficient Directions for Teſtators to form, and Executors to perform their Wills and Teſtaments; for Adminiſtrators to compleat their Adminiſtration, and for every Perſon any Way concerned in deceaſed Perſons Eſtates, to proceed therein with ſafety to themſelves and others,

BY

ELIE VALLETTE,

Regiſter of the PREROGATIVE COURT, of the PROVINCE aforeſaid.

PROPOSALS.

The above will be put to the Preſs on the Firſt Day of *May* next, by which Time, it is apprehended, the Subſcription will be compleated. Every Subſcriber ſhall have his Name and Title printed in the Title Page, in a Label adapted for that Purpoſe, as in the above Scheme, provided their Signature come timely to Hand.

All Endeavours ſhall be uſed to procure a Bookbinder, in which Caſe the Volume ſhall be neatly bound in Calf, gilt, and lettered, for which an additional Half-Crown will be demanded at the Delivery of the Book.

SUBSCRIPTIONS are taken in (*and Money received, if tendered*) by the ſeveral Deputy Commiſſaries in each reſpective County of this Province, as alſo,

At *Oxford*, by Mr. *Charles Cruikſhank*.
At *Bladenſburg*, by Mr. *Richard Henderſon*.
At *Upper-Marlborough*, by *Ralph Forſter*, Eſq;
At *Lower-Marlborough*, by Mr. *Thomas Jones*.
At *Elk-Ridge*, by Mr. *John Dorſey*, Merchant.
At *George-Town*, by Mr. *Robert Peters*.
At *Cambridge*, in the County Clerk's Office.
And at *Annapolis*, by Mrs. *Howard*, at the Coffee-Houſe; Meſſrs. *Williams* and Co. and Mr. *M'Hard*, at the Dock; Mr. *Cornelius Garretſon*, Mr. *Robert Johnſon*, and at the Printing-Office.

PATRICK TONRY,

TAKES this Method to inform the Publick, that he has opened Tavern in a neat commodious Houſe for that purpoſe, ſituated in *Eaſt-Street*, a few Doors below Mr. *James Brice's* new Houſe, being near and very convenient to the Dock; and as he has provided himſelf with a good Stock of Liquors, and Accommodations for Travellers, as alſo good Stabling and Provender for Horſes, thoſe Gentlemen who pleaſe to favour him with their company may depend on his utmoſt Endeavours to give them Satisfaction.

Said *Tonry* propoſes alſo, for the Convenience of Travellers betwixt *Annapolis* and *Baltimore-Town*, to erect Two Cariages, to begin the Second Week in *March* inſt. to carry Paſſengers to and from ſaid Town, in the following Manner, viz. To ſet out One Carriage from his ſaid Houſe, on every Monday, Wedneſday and Friday, preciſely at Half after Eight o'Clock in the Morning, will ſtop One Hour at Mr. *Charles Dodd's* about Half Way to *Baltimore*, and from thence proceed to Capt. *Limes's* in *Baltimore-Town*; and return from ſaid *Limes's* for *Annapolis* every Tueſday, Thurſday and Saturday Morning, at Seven o'Clock, will wait for any Paſſengers to breakfaſt at Mr. *Kelſo's* Tavern at the Ferry, and to dine at Mr. *Footel's*, where *John M'Donall* lately lived, and from thence to ſaid *Tonry's* Houſe in *Annapolis*; where, as alſo at Capt. *Limes's*, a Perſon will be appointed to let Seats to Paſſengers at 10*s.* each from *Baltimore* to *Annapolis*, and the like Sum from *Annapolis* to *Baltimore*. Outſide Paſſengers or any Child under Ten Years of Age at Half Price. Seats to be held as applied for. Small Parcels will be carried from *Annapolis* to *Baltimore* and from *Baltimore* to *Annapolis* at reaſonaple Rates.

N. B. Said *Tonry* will purchaſe a Quantity of Rye at 3*s.* and Barley at 4*s.* *per* Buſhel, if delivered at his Houſe in *Annapolis*, where may be had good Geneva, by Wholeſale or Retail, at reaſonable Rates. 8w

THERE is at the Plantation of *Thomas Tongue*, near *Herring-Creek* Church, a Stray bay Mare, about 13 Hands and a Half high, 3 Years old, has a Star on her Forehead, no perceivable Brand, nor docked. The Owner may have her again on proving Property and paying Charges.

St. Mary's County, *February* 12, 1773.

To be rented for any Term of Time, and may be entered on immediately,

A VERY good Store-Houſe, with a Lumber-Houſe nearly adjoining, ſituated on *Briton's* Bay, and within Three Miles of *Leonard-Town*; and on the Land where Mr. *John Fenwick* now lives, has an extraordinary good landing Place, where ſhips may lye with ſafety, and load within Thirty Feet of the Shore; there is lately erected thereon a Warehouſe, by *Joſeph Fenwick*, for the Reception and Inſpection of Tobacco; where it is generally ſuppoſed, Three Hundred Hogſheads will at leaſt be brought this Year; it is remarkably healthy, has excellent Water, is very convenient either for the Tobacco or *Weſt-India* Trade; and in a Neighbourhood, where there are large Crops made both of Corn and Tobacco, and who in general it is believed, will encourage to the utmoſt of their power, any Gentleman who might incline to fix among them, in witneſs to the Truth of the above Particulars we the Subſcribers living in the ſaid Neighbourhood, have hereto ſet our Hands.

PHILIP MIDLEY,
BENNET COMBS,
JOHN GREENWELL, junr.
4w JOSEPH WILLIAMS,
JAMES WILLIAMS,
ROBERT MANNING.

N. B. Any Gentleman whom this may ſuit may have Board, Waſhing, *&c.* for any Number he pleaſes, at Mr. *John Fenwick's*, cloſe to the Store, upon the moſt reaſonable Terms. For further Particulars enquire of Mr. *John Fenwick*,

Or of their humble Servant,
JOSEPH FENWICK.

Annapolis, the 4th of *February*, 1773.

WHEREAS it hath been repreſented to his Excellency the Governor, that on the Seventh Day of *December* laſt the Dwelling-Houſe of Mr. *John Lucas*, in *Saint Mary's* County, was maliciouſly ſet on fire, by ſome Perſon or Perſons unknown, and entirely conſumed; His Excellency for the better diſcovering and bringing to publick Juſtice the Perſon or Perſons concerned in ſetting on fire the ſaid Houſe, doth promiſe his Lordſhip's Pardon for the ſaid Offence to any of them (the Principal or Principals only excepted) who ſhall diſcover his, her, or their Accomplice or Accomplices in the ſaid Fact, ſo that he, ſhe, or they may be apprehended and convicted thereof,

Signed by Order,
U. SCOTT, Cl. Con.

And as a further Encouragement, the Subſcriber living in *Saint Mary's* County, doth promiſe a Reward of Fifty Pounds Currency to any one who ſhall diſcover the Perſon or Perſons concerned in burning the ſaid Houſe, ſo that he, ſhe, or they may be brought to Juſtice and convicted thereof.

6w JOHN LUCAS.

Annapolis, *February* 15, 1773.

JOSHUA COLLINS,

Muſical Inſtrument-maker and Turner from MANCHESTER,

BEGS leave to acquaint the Publick, that he has commenced the ſaid Branches of Buſineſs, at Meſſrs. *Shaw* and *Chiſholm's* Cabinet Shop; where all Sorts of Turner's Work is executed in the compleateſt Manner; alſo German and common Flutes, Hautboys, Fifes, *&c.* of all Sorts and Sizes; all Sorts of Muſical Inſtruments repaired, Harpſicords, Forte Pianos, or any ſtringed Inſtruments put in tune. He has opened an Evening School for Muſick, at Mr. *John Hepburn's*, where he teaches the moſt modern and approved Methods of playing the German Flute, Hautboy, Clarinet, Baſſoon, *&c.* Having been educated in that Science, under the Care of ſome of the greateſt Maſters in *England*. Thoſe whom it may pleaſe to encourage the Subſcriber may depend on being ſerved on the moſt reaſonable Terms; and ſuch Gentlemen as cannot attend his Evening School may be waited on in the Day Time at their own Apartments,

By their very humble Servant,
w4 JOSHUA COLLINS.

COMMITTED to my Cuſtody as a Runaway, a certain *James Clarke*, who ſays he belongs to *James Martin*, on *Kent-Iſland*; he had a Collar round his Neck, and his left Hand is much deformed; he croſſed the Bay in a Yawl with Two other Perſons. His Maſter is requeſted to take him away and pay Charges.

WILLIAM NOKE,
tf Sheriff of *Anne-Arundel* County.

Port-Tobacco, *February* 23, 1773.

ALL Perſons indebted to Meſſ. *John Taunton* and Son, for Dealings with their *Port-Tobacco*, *Newport*, and *Piſcata* Stores, are deſired to make immediate Payment to

10w GEORGE GRAY.

Advertiſements omitted this week ſhall be in our next.

ANNAPOLIS: Printed by ANNE CATHARINE GREEN and SON.